

**OLON TOWNSHIP PLANNING COMMISSION**  
**Tuesday, May 3, 2022**  
**Solon Township Hall**  
**9191 South Kasson Street, Cedar, MI 49621**

I. Call Meeting to Order/Pledge of Allegiance

Chairman Morgan called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and a moment of silence.

II. Roll Call / Guest Sign-in

Present: Al Laskey, Member; Steve Morgan, Chair; Lisa Rossi, Member; Samantha Vandervlucht, Member; Meg Paxton, Member; and Steve Yoder, Township Board Rep

Excused: Todd Yeomans, Vice Chair/ZBA Rep

Staff Present: Tim Cypher, Zoning Administrator; Allison Hubley-Patterson, Recording Secretary

Members of the public: In total, there were 11 members of the public present at various times throughout the meeting.

III. Motion to Approve Minutes – April 5, 2022

Chairman Morgan asked for a motion to approve the March minutes.

**PAXTON MOVED TO APPROVE THE APRIL 5, 2022 MINUTES AS PRESENTED; LASKEY SECONDED. ALL PRESENT IN FAVOR, MOTION CARRIED.**

IV. Agenda (additions/subtractions by PC)

Chairman Morgan asked for a motion to approve the May agenda. **LASKEY MOVED TO APPROVE THE MAY AGENDA AS PRESENTED; VANDERVLUCHT SECONDED. ALL PRESENT IN FAVOR, MOTION CARRIED.**

V. Correspondence - none

VI. Public Comment (three minutes per person unless extended by Chair)

Mr. Corey Flaska stated that he currently has a commercial application in for consideration to develop property that is located near Grumpy's. When the PC reviews the future land use map at tonight's meeting, he requested that the PC have some discussion regarding this property.

Mr. Doug Fierberg stated that he recently closed on the Belanger property and is considering developing an all-natural eco-tourism destination; he believes that this will give the residents of Solon Township what they want, which is to maintain the rural character of the area. He also stated that he appreciates that the PC members are performing their job according to the law.

VII. Conflicts of Interest – None reported at this time.

VIII. Reports

**Township Board Rep:** Yoder stated that there will be a spring clean-up of all parks on Saturday, May 14<sup>th</sup>. The agreement with the Northern Michigan Rowing Club has been finalized. The Club will pay \$100 per month for one year to house rowing equipment at Solon Township Beach Park. A representative from the Fire Department informed the Township that there is a \$54,000 surplus in the budget; the extra money will go into contingency. There was some discussion of the Agreement and Memorandum of Understanding with the Fire Department. Language stating that the four townships will pay for improvements needs to be added to the Memorandum of Understanding and then this document must be brought back to the Township for review. The Solon Township Zoning Ordinance will be an item for discussion on the May agenda.

Cypher asked about fencing in the area where the rowing club will store the equipment. He stated that there is an area which contains an open fire lane; boats are launched here. Fire trucks use this area for water access so Cypher wanted to reiterate that fencing in this area cannot restrict access for the fire department. Yoder stated that he believes the fencing will be on the west side of the existing building; he will forward the site plan to Cypher for review.

**ZBA Rep:** no information to report; Yeomans was excused from tonight's meeting.

**ZA:** Cypher reported that he has not yet completed the monthly report but that he will update the PC soon. He stated that he previously forwarded an email message from Dave Lewis to all PC members which indicated that Mr. and Mrs. Zelinski are requesting that their application be held in abeyance at this time.

Paxton and Vandervlucht inquired about the recent court case (DeMoulied) with regard to setbacks. Cypher stated that the language is ready to go but we must first wait to see if this will be published; this is not yet the law of the land but will become so once this is published. Cypher indicated that we need to see where this will go at this point; enforcement of this matter will be very difficult.

- IX. Public Hearing – none
- X. New Business

- A. Wild Juniper Nursery, L.L.C. – Tom and Terri Jessmore

Cypher provided a brief introduction and stated that he has been working with Mr. Jessmore on this matter for some time. The Jessmore's business was a roadside stand close to M-72. The Leelanau County Road Commission (LCRC) will not allow cars to veer off onto the side of the road; they would like cars to be parked further back. Mr. and Mrs. Jessmore are now before the PC to address the nursery operation of their business. They are working with Chris Bott of Gosling Czubak Engineering Sciences.

Mr. and Mrs. Jessmore purchased their land in September of 2021 and have resided in the Traverse City area for 21 years. They have been operating the nursery from their home up to this point but have outgrown this location; thus, a new arrangement for the operation is needed. The property that was purchased is at the corner of M-72 and South Cedar Road; plants will be grown and sold at this location. Mr. Jessmore stated that he would like to have a greenhouse and a pole barn on the premises.

Mr. Jessmore propagates plants and brought several small arborvitae plants to show the PC members. These plants remain outside until they are rooted. Small plants the size of what was brought to show the PC members will remain on site for approximately two to three years. Mr. Jessmore explained that most nurseries do not grow their own inventory; rather, they purchase product from large growers. Mr. Jessmore currently has approximately 10,000 plants in his inventory ranging in size. Ninety-five percent of what Mr. Jessmore purchases comes from Michigan. He is involved with the community extensively and is a supporter of many local organizations.

As part of the floriculture industry, this business would be classified as a "nursery farm". Mr. Jessmore is licensed by the State of Michigan and his inventory is inspected annually to check for disease. Mr. Jessmore stated that this will not be a major retail operation and he is currently the only employee; however, additional employees may be needed in the future. The plan is for the business to be seasonal; it will open on May 1<sup>st</sup> and close at the end of October.

The original plan showed 22 parking spaces. This number of spaces was reconsidered due to the cost; however, they have decided to remain with the desired 22 spaces. This will help alleviate traffic. The Jessmores will also be living at this location.

The pole barn will be the first building constructed but contractors are not sure if they can schedule Mr. Jessmore for 2023 so this may take some time. The second structure would be the pump house and Mr. Jessmore is waiting to

hear from Cherryland Electric on this matter. There will be a 10 x 20 sales shed which is there now. The well has been dug. Cypher added that the roadside stand and pump house were previously approved.

Yoder inquired further about the pole barn and the greenhouse. Cypher stated that the public will have the ability to walk through the greenhouse; therefore, a special land use permit is required.

Mr. Jessmore added that he may need to construct a fence to minimize inventory losses; however, to this date, there have not been any problems with deer, etc.

Rossi inquired as to the types of plants that are being grown. Mr. Jessmore responded that he grows over 300 varieties of plants; he also grows fruit trees and many native plants. Additional information can be found on the website at: [www.wildjunipernursery.com](http://www.wildjunipernursery.com).

Some plants are under protection by the United States Patent Office so Mr. Jessmore cannot legally propagate these; in this case, he must purchase a rooted plant from a professional grower. These plants are purchased as "liners" and can be grown at his nursery prior to being sold to the public.

Mr. Jessmore desires to have a greenhouse because this will allow him to get a one month jump start on the growing operation. His plants will sit on the ground at the nursery for approximately two to three years but this will result in a much heartier plant.

Cypher asked if the Health Department has reviewed the pump house and Mr. Jessmore replied, "Yes". He stated that the water usage will primarily be for irrigation.

Chairman Morgan asked for a motion to set a Public Hearing in the Jessmore matter at the May meeting. **PAXTON MOVED TO SET THE PUBLIC HEARING FOR THE JUNE 7<sup>TH</sup> MEETING IN THE MATTER OF WILD JUNIPER NURSERY, LLC; ROSSI SECONDED. ALL PRESENT IN FAVOR, MOTION CARRIED.**

Cypher informed the group that the Leelanau Enterprise office is now closed on Friday; they are open Monday through Thursday. The deadline for public notice in the newspaper is Monday at 12:00 p.m.

## XI. Unfinished Business

### A. 03.01.22 Draft Ordinance delivered to Township Board – status

Cypher stated that he will be at the Township Board Meeting to answer any questions that may arise regarding the draft ordinance. Cypher asked Yoder if he believed any action would be taken on the ordinance at the

meeting; Yoder replied that one member has some questions regarding the landscape portion of the ordinance. Cypher reiterated that he will be present to respond to any questions regarding waivers or landscaping. He added that the ordinance previously included one-quarter page on buffering and screening but stated that we now have a much better tool to work with.

#### B. Master Plan Review – Future Land Use Map / New Growth / PUD Areas

Cypher distributed a two-sided map which is a proposal based on comments that all PC members previously provided. Cypher began the discussion by explaining the legend on the map as well as the meaning of the diagonal lines which represent  $\frac{1}{4}$  mile of business and  $\frac{1}{2}$  mile of PUD development along the southern border of the map. The purple lines represent where PUDs are allowed and the red checkered squares represent business or PUD sections.

Cypher referenced a comment that he received from Yeomans who was excused from tonight's meeting; he agrees with the map as it has been presented.

Cypher also mentioned an email message that he sent to all PC members with an article about Whitewater Township; this township is also struggling with the concept of "rural character".

Cypher asked if all PC members present agreed with the southern border being zoned as business from the east side to the west side of the township. Rossi stated that this span is too broad in her opinion. Paxton asked how much do we want and do we even have any answers to this question. She stated that the M-72 and Bugai Road area does not look appealing; she feels that the key growth and big things should be placed as far out as we can go; put the ugly stuff on the outside and the pretty stuff on the inside. She believes that most development should be further away from the heart of the township.

Vandervlucht is concerned with the safety of adding more traffic to the area. In her opinion, the four corners area where the new traffic signal is located makes sense but Grumpy's is in an area that is currently unsafe. She believes that anywhere that we are discussing on the map will potentially cause friction in the township. However, due to the new traffic light, residents may be more open to development in this area; she added that the nursery is along the lines of what residents want for the township.

Paxton agrees with Vandervlucht. The area of South Cedar Road and M-72 to Goodrick Road would be a possibility. Cypher asked if they would want this area to bisect. Vandervlucht stated that she believes development could then get way out of hand. She referred to the area where Grumpy's is on M-72 and stated that residents do not want this.

Rossi is fine with this corner but would also like to see more commercial development around other existing commercial areas.

Yoder stated that there will eventually be a center lane near Grumpy's but he is not sure when this will happen. As a result, this area may not be as unsafe in the future but the question remains: When will this occur?

Vandervlucht stated that this could be B1 zoning; Rossi, Paxton and Yoder agreed. Yoder stated that ½ mile in might be too far. Laskey agreed. Morgan also agreed and stated that although we are trying to keep the township the same as much as we can, we do need to allow for growth. Morgan agrees that large parcels would be acceptable at the four corners area.

Cypher stated that the depth and size would still need to be determined. He will return at the next meeting with an aerial drawing which will represent B1 zoning only, not industrial. All PC members agreed that they do not want to see anything west of the four corners area.

Cypher asked about the east Solon Township area near Grumpy's. Vandervlucht stated that she is not in agreement with this area for safety reasons. Cypher stated that Ag uses in this area could include wineries, cideries, fruit packing operations, food retailers, libraries, daycare centers, churches, extractive operations, golf courses, etc. Vandervlucht commented that it would be too much to have development near Grumpy's and in the four corners area.

Paxton agreed to the South Solon Road area and referenced a large lot and another one to the east. Cypher stated that this is B1 zoning. Paxton indicated that this should be no more than ¼ mile. A question was asked about a split zone. Cypher stated that this can be done but only for B1.

Rossi concurs with Paxton; B1 zoning only. Yoder would go with this area, too, but does not believe it should be too large. Yoder and Rossi both agreed that ¼ mile along the M-72 frontage is sufficient. Cypher stated that this could be fine tuned at the June meeting. Laskey stated that he agrees with the Solon and M-72 area. Morgan stated that east from Solon ¼ mile is acceptable but he does not want to see any more business along M-72. He agreed that the area around Grumpy's is somewhat unsafe as he had to deal with situations in this area during his career.

All six PC members present were in agreement with minimizing the existing B1 development. Cypher added that they should not let the current application before the PC sway their decision.

Laskey stated that he would be in favor of B2 zoning in the Lautner Road area to the east and west side for 10 to 20 acres. Yoder stated that the L-

shaped area near M & E Service and E. Allgaier Road would be acceptable; Cypher stated that this area is B2. Rossi and Paxton agreed with Yoder. Vandervlucht stated that she is not in agreement and does not want to see any further B2 growth in the township; Morgan concurred with Vandervlucht. With regard to B2 development, four PC members are in support; two opposed.

Cypher asked the PC members to discuss their thoughts regarding PUDs.

Paxton inquired as to the size of PUDs. Cypher stated that they can be adjusted and mentioned that some townships have certain specificities but our zoning is vague. There is a ten-acre minimum for PUDs.

Partridge Run and Ramblewood were discussed. These are site condominiums which is a different way to divide up the land. PUDs can be mixed use and they have a higher residential density.

Cypher read from Section 22.03, page 105: "Density – Maximum dwelling units per net acre to be based upon density designated in Master Plan on buildable land prior to rezoning".

Cypher added that PUDs are a zoning map change. Rossi asked if the township would control the density. Cypher responded "No, this will be in the Master Plan but the Plan must be revised first".

For business, there could be expansion around Cedar where the dashed red lines are shown on the map. Laskey stated that this area is currently filled up with residential except along Arbor Trail; he is against this because it is already residential. He would be okay with B1 zoning but not B2.

Yoder stated that B1 is important because of the swamp and government land south of Good Harbor. He stated it would be acceptable to come down to the area between Cedar Auto and town. Laskey stated that the east side of this region is buildable but is only buildable in some places to the west. Yoder stated that he would not go to Schomberg but only as far as the taco stand. Rossi, Paxton, Morgan and Vandervlucht all concurred with Yoder. All PC members agreed that they would be in favor for both sides of the road. Going down Schomberg would take away from the downtown area. Morgan stated that he would go along to Good Harbor.

With regard to B1, both sides of the road to RA5 and R1 are acceptable. The north side of the road down to Big Cat Brewing Company is fine. Cypher stated that nothing is needed in terms of Resort/Recreational (RR); the area discussed is where Perrins Landing is located and they can continue to operate as they do.



PUDs north and south of Schomberg were discussed. Cypher stated that many large tracts of land could be used for housing in this area. Vandervlucht stated that this is already small. Residents do not want to see two- to three-acre parcels but starting with RA2 zoning is a good starting point. Vandervlucht believes the housing here would be both inevitable and beneficial.

Cypher read the language regarding "Purpose and Intent" from Section 22.01. "Planned Unit Development regulations furnish an alternate means for the development of residential site plans within areas designated in the Master Plan for housing. These regulations, while adhering to the underlying densities specified in the Master Plan, allow for greater flexibility in designing and planning the development of land".

Paxton inquired how close the houses are to one another; Cypher replied that this has yet to be determined. Paxton stated she does not agree on many things being proposed unless it is in town. She added that there is already a new neighborhood and that this is all that is needed.

Rossi stated that it makes sense to put smaller parcels close to the downtown area. She would like to see the parcels squared off. Vandervlucht and Rossi concurred with one another.

With regard to RA2, Paxton agrees but stated that it depends on the density. Yoder is also on board for RA2 on the north side of town. Laskey is not in favor of PUDs or parcels to the north side of town. Morgan is in favor but only wants to see a small portion of RA2. With this process, Cypher stated that this controls more if someone wanted a PRD; there would be much more scrutiny.

The area south of the village was discussed. Some PC members felt this would be a good place to promote growth; south of Popa Road. Laskey said he agreed with this area until the point where the swamp is; Cypher commented that there is also some high country in this area, too. Yoder stated that he would keep the RA2 here but do not go farther west; he would suggest going due north. Yoder stated that the entire purple section should not be considered. He would go to the end of Popa Road to the purple and then suggests some area on the east side. Rossi stated that this is a good spot but she is not sure of the size. Paxton concurs. Vandervlucht stated that she would like to see a zoomed in area first before making a decision. Morgan would go to the north of Popa Road.

Cypher inquired as to which PC members like the western line for RA2; all agreed.

Cypher stated that nothing in the center of the township was discussed and he asked if any PC members have had a change of heart with regard to the middle 1/3 of the township. All responded "No, keep it rural".



With regard to the south end, there are two B1s and a small sliver of B2. Vandervlucht believes that this would cause more people to go into Traverse City for services. Paxton does not agree with one full mile in but would agree with ½ mile. She stated that the entire width of the township is acceptable.

Rossi agrees with Paxton. Yoder agrees with the two diagonal lines, but not the purple area. He suggests going to Partridge Run and then going east, but not so much to the west. He would like to have more discussion regarding the east side. Laskey agrees with Yoder. Rossi and Paxton also concurred with Yoder. Morgan is skeptical to push out too far to the north.

Cypher asked if the PC members were in agreement from the hatch area east of RA2 which runs east of M-72 to the apex; he inquired about PUDs going from the hatched area all of the way east to the township line. Rossi, Paxton and Laskey agreed that this was acceptable; Morgan stated this is okay to the east but the depth is too much.

Cypher stated that the PC will have the opportunity to examine an expanded aerial view at the June meeting.

#### C. Zelinski Rezoning Request – Abeyance – Motion to Approve

Cypher addressed the email message that was received on April 29<sup>th</sup> from Mr. Dave Lewis requesting that the Zelinski matter be placed in abeyance.

Chairman Morgan asked for a motion to approve that the Zelinski matter be held in abeyance until a time to be determined. **ROSSI MOVED TO APPROVE THAT THE ZELINSKI MATTER BE HELD IN ABEYANCE UNTIL A TIME TO BE DETERMINED; PAXTON SECONDED. ALL PRESENT IN FAVOR, MOTION CARRIED.**

#### XII. Other Items – none

#### XIII. ZA/Planning Commission Comment

Cypher commented that a great deal of work was accomplished this evening. Yoder stated that he will not be present at the June 7, 2022 meeting.

#### XIV. Public Comment

Mr. Flaska stated that he agreed with the decisions made by the PC members at this evening's meeting with regard to B1 zoning. With regard to M-72, there is a huge setback required here because this is a Michigan highway; the proposed discussion for future development in the area surrounding

Grumpy's may be tight; he suggested going in ½ mile behind Grumpy's and in the four corners area. Mr. Flaska added that housing will thrive where commercial development is located.

Ms. Mary O'Neill asked what is at the heart of the community. She believes that we should be planning for future business in Cedar, and if this is the case, housing should be located here. She suggested expanding the resort and recreational areas. Ms. O'Neill added that she believes there will be major pushback regarding B2 zoning near Allgaier Road and suggested that the PC consider the South Cedar Road and M-72 vicinity. She inquired what the impact of the new zones will be on traffic and suggested keeping the higher density closer to Cedar. She also suggested that the PC approach the township to obtain funding so that an expert on community planning could assist the group as there are no experts among the current PC members in this area.

XV. Adjournment

There being no objection, Chairman Morgan adjourned the meeting at 8:30 p.m.

The next meeting is scheduled for Tuesday, June 7, 2022 at 6:00 p.m. at the Solon Township Hall. Based on the motion that was passed at the April meeting, future regular meetings will begin at 6:00 p.m.

Respectfully submitted,

Allison Hubley-Patterson, Recording Secretary

## APPENDIX A: SOLON TOWNSHIP ZA'S MONTHLY PERMIT SUMMARY

## SOLON TOWNSHIP ZA'S MONTHLY PERMIT SUMMARY

PERIOD: APRIL 2022

DATE	PERMIT #	NAME	USE	RECEIPT CK.#	AMOUNT
4/22/2022	LUP 22-07	BREWIS	LAND USE	202207	3600 \$ 190.00
010-023-018-00	6701 E. LINCOLN RD	NEW DWELLING PORCH - 2 ACCESSORY BUILDINGS		7,096 S.F.	
4/26/2022	LUP 22-08	ROWE	LAND USE	202208	2955 \$ 190.00
010-011-039-30	6249 E. MOORE DRIVE	NEW DWELLING ATT.GARAGE DECKS BOARDWALKS		4,506 S.F.	
4/24/2022	LDA 22-02	MCCLURE	LAND DIV.	LDA 22-02	1002 \$100.00
010-022-001-60	E. PINEHURST TRAIL	LAND DIVISION CREATING ONE PARCEL			

TOTAL \$ 480.00

SIGNED:

*Timothy A. Cypher*

DATE:

5/8/2022

TIMOTHY A. CYPHER  
 SOLON TOWNSHIP ZONING ADMINISTRATOR  
 231-360-2557  
[TIM@ALLPERMITS.COM](mailto:TIM@ALLPERMITS.COM)